

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA
Rural Development
Plaintiff

Civil No. 97-1969 (SEC)

FORECLOSURE OF MORTGAGE

v.

AVILIO MADERA TORRES, MAYRA
PLANELL ACEVEDO and the conjugal
partnership constituted by both
Defendants

ORDER

1. The public auction in sale of property subject of this action was set for May 6, 1998, at 11:00 a.m., and held on that date.

2. Said sale was adjudicated to Mr. Rafael Esteva, for the sum of \$54,100.00, which sale was confirmed by this Court thereafter.

3. Banco Santander de Puerto Rico now PRAMCO LLC in representation of CFSC Consortium LLC is a junior lienholder in this case having recorded the following lien against the property:

RUSTICA: Solar marcado con el número Uno (1) en el Plano de Inscripción sito en el Barrio Lares, del término municipal de Lares, Puerto Rico, compuesta de SEISCIENTOS VEINTE METROS CUADRADOS CON OCHENTA CENTESIMAS DE OTRO (620.80 m.c.) en lindes por el: NORTE: en treinta y cinco (35) metros con un Camino vecinal La Sábana; al SUR: en veintinueve metros y medio (29.50 m.) con el solar número dos (2) de dicho Plano de Inscripción; al ESTE, en dieciocho punto cincuenta (18.50 m.) con el resto de la finca principal y al OESTE: en veinte metros con la Carretera Número Ciento Veintinueve (129) que conduce de Lares a Arecibo. Enclava un edificio residencial todo de concreto de una planta.

(1)

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Plaintiff's mortgage is recorded at page 50 of volume 226 of Lares, property #6211, 7th inscription at the Property Registry of San Sebastián, Puerto Rico.

JUNIOR LIEN:

HIPOTECA: En garantía de un pagaré a favor de: Banco Santander de Puerto Rico, \$40,000.00, con intereses 9 7/8 anual, vence presentación, tasada en \$40,000.00 según consta de la escritura #494, otorgada en Lares, el día 25 de noviembre de 1994, ante el Notario Público Juan E. Nieves Mora, inscrito al folio #51, de; tomo #236, de Lares, finca #6211, inscripción 8va y última.

4. Said junior lienholder was not given personal notice of the public sale as required by Article 149 of the Commonwealth of Puerto Rico (30 LPRA 2724).

5. Article 224 of the Mortgage Law of 1979 (30 LPRA Section 2724) provides:

"In the event that any subsequent creditor was not notified of the procedure or of the auction, the foreclosing creditor or the successful bidder shall notify him after the auction, so that he may request, if he so desires, that a new auction be held, or pay the price disbursed by the successful bidder. Should 20 days elapse after the notification without either of the two eventualities mentioned having occurred, the Court shall order the cancellation of his liens."

6. Junior lienholder is hereby given notice so that he may request a new auction or pay the price disbursed by Mr. Rafael Esteva (\$54,100.00). Should twenty (20) days elapse after the personal notification of this notice without either of the two

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eventualities having occurred, this Court shall order the
cancellation of his lien.

SO ORDERED at San Juan, Puerto Rico, this 21st day of
December, 2000.




UNITED STATES DISTRICT JUDGE